

### **Remarks**

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated January 24, 2005, indicated that claims 1-4, 6-24, 28 and 29 are allowed; claims 26, 27, 31 and 32 are objected to but would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112(2); claims 5 and 30 are rejected under 35 U.S.C. § 112(2); claims 5 and 30 are rejected under 35 U.S.C. § 103(a) over Sakurai *et al.* (U.S. Patent No. 5,594,756); and claim 25 is rejected under 35 U.S.C. § 103(a) over Sakurai *et al.* in view of applicant's background of the invention.

Applicant appreciates the allowance of claims 1-4, 6-24, 28 and 29.

Applicant appreciates the indication of allowability of claims 26, 27, 31 and 32, and has amended each of these claims to incorporate limitations of their respective underlying claims as well as to address the objection to claims 27 and 32 and the Section 112(2) rejection of claims 5 and 30, as indicated below. Accordingly, Applicant believes claims 26, 27, 31 and 32 to be in condition for allowance and requests that the objection be removed.

With respect to the objected-to claim language "reaching a plateau" in claims 27 and 32, Applicant has amended both of the claims to remove the objected-to language. The phrase "reaching a plateau" has been replaced with "converging" to better convey the claimed subject matter in a manner consistent with language used in other allowed claims (*e.g.*, claim 28 *et seq.*). Applicant submits that the objection is overcome and requests that it be removed.

Moreover, the Section 112(2) rejection regarding the term "sufficiently" in claims 5 and 30 is moot in view of the cancellation of these claims. Further, the term "sufficiently" is not present in the amended claims 26, 27, 31 and 32. The absence of the term "sufficiently" does not alter the scope of the amended claims and if it were deemed to have any effect, it would be a broadening of the claimed subject matter. Applicant submits that each of the pending claims is now in condition for allowance and requests that the Section 112(2) rejection be withdrawn.

Applicant respectfully traverses each of the Section 103(a) rejections because the Examiner fails to present any evidence of motivation to modify the cited '756 reference. More specifically, the Office Action still fails to cite any evidence in the '756 reference

that a skilled artisan using the waveform equalization system of the '756 teachings would employ the Home Phone Network Alliance to resolve in-home, phone line-based networking problems. Notwithstanding the above traversal and in an effort to facilitate prosecution, Applicant has canceled claims 5, 25 and 30 without prejudice and reserves the opportunity to pursue the canceled subject matter in a continuing application. Applicant accordingly submits that the Section 103(a) rejections are moot and requests that these rejections be withdrawn.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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By: 

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